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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,017	08/02/2001	Gregory S. Hamilton	AR762-XXA	7616

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GUILFORD PHARMACEUTICALS C/O  
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EXAMINER

CHANG, CELIA C

ART UNIT PAPER NUMBER

1625

DATE MAILED: 09/16/2002

13

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/920,017

Applicant(s)  
Hamilton

Examiner  
Celia Chang

Art Unit  
1625



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jun 28, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-82 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claims 1-82 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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### DETAILED ACTION

1. This application is a CIP of SN 09/453,571. Claims 1-82 are in the case. The same restriction made in the parent case is given here

2. *Restriction*

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 6-7, drawn to pyrrolidinyl compounds ( $n=1$ ), classified in class 548, subclass various depending on species election. If this group is elected, a further election of a single disclosed species is also required. Claims 1-5,  $n=1$  and claims 8-13 composition of single active ingredients reading on the elected compounds can be prosecuted together with the election to the extend of the election.
- II. Claims 5 in part, drawn to piperidinyl compounds ( $n=2$ ), classified in class 546, subclass various depending on species election. If this group is elected, a further election of a single disclosed species is also required. Claims 1-4,  $n=2$  and claims 8-13 composition of single active ingredients reading on the elected compounds can be prosecuted together with the election to the extend of the election.
- III. Claims 1-4 in part, remaining compounds, drawn to azepidinyl compounds ( $n=3$ ), classified in class 540, subclass various depending on species election. If this group is elected, a further election of a single disclosed species is also required. Claims 1-4,  $n=3$  and claims 8-13 composition of single active ingredients reading on the elected compounds can be prosecuted together with the election to the extend of the election.

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- IV. Claims 14-15, being drawn to composition of at least two active ingredients as neurotrophic agent, classified in class 514 subclass various depending on species election and further restriction. If this group is elected, a further election of a single disclosed composition of two active ingredients is also required and further restriction will be made accordingly.
- V. Claims 16-28 drawn to method of treating neurological disorder classified in class 514, subclass various depending on species election and further restriction. If this group is elected, a further election of a single disclosed disorder employing a single active ingredient is also required. Further restriction will be made accordingly.
- VI. Claims 29-30 drawn to method of treating neurological disorder using a combination composition, classified in class various, subclass various, depending on species election and further restriction. If this group is elected, a further election of a single combination of ingredients and a single pathology/disease treatable by the combination is also required. Further restriction will be made accordingly.
- VII. Claims 31-37, drawn to method of promoting growth of damaged peripheral nerve, classified in class various, subclass various, depending on species election and further restriction. If this group is elected, a further election of a single disclosed compound for the method is also required. Further restriction will be made accordingly.
- VIII. Claims 38-39, drawn to method of promoting growth of peripheral nerve by combination of active ingredients, classified in class various, subclass various, depending on species election and further restriction. If this group is elected, a further election of a single disclosed combination of active ingredients for the method is also required. Further restriction will be made accordingly.

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- IX. Claims 40-46, drawn to method of neuro-regeneration, classified in class various, subclass various, depending on species election and further restriction. If this group is elected, a further election of a single disclosed compound for the method is also required. Further restriction will be made accordingly.
- X. Claims 47-48, drawn to method of neuro-regeneration by combination of active ingredients, classified in class various, subclass various, depending on species election and further restriction. If this group is elected, a further election of a single disclosed combination for the method is also required. Further restriction will be made accordingly. .
- XI. Claims 49-59, drawn to method of preventing neurodegeneration, classified in class various, subclass various, depending on species election and further restriction. If this group is elected, a further election of a single disclosed compound for the method is also required. Further restriction will be made accordingly.
- XII. Claims 60-61, drawn to method of preventing neurodegeneration by combination of active ingredients, classified in class various, subclass various, depending on species election and further restriction. If this group is elected, a further election of a single disclosed combination for the method is also required. Further restriction will be made accordingly.
- XIII. Claims 62-75, drawn to composition and method of treating alopecia, classified in class various, subclass various, depending on species. If this group is elected, a further election of a single disclosed compound for the method is also required. Further restriction will be made accordingly.

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XIV. Claims 76-82, drawn to composition and method of treating vision disorder, classified in class various, subclass various, depending on species. If this group is elected, a further election of a single disclosed compound for a single disorder is also required. Further restriction will be made accordingly.

The inventions are distinct, each from the other because:

The compounds differ in elements, bonding arrangement and chemical properties to such an extent that a reference anticipating compounds of one group would not necessarily imply unpatentability of another in the same claim. The methods are distinct and independent in end condition being treatable as well as the active ingredients or combination of active ingredients being employed. The search for each independent invention is not co-extensive and separate examination must be performed.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

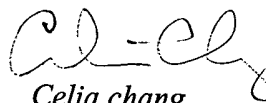
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Celia Chang whose telephone number is (703) 308-4702. The examiner can normally be reached on Monday through Thursday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alan Rotman, can be reached on (703) 308-4698. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7922.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

WP/Chang  
Spt. 9, 2002

  
Celia chang  
Primary Examiner  
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